

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DR. ERIC BLINMAN,

Plaintiff,

v.

Case No. 1:23-cv-00431-KG-JMR

GOVERNOR MICHELLE LUJAN GRISHAM, *et al.*,

Defendants.

**PLAINTIFF’S MOTION FOR LEAVE TO FILE A SURREPLY TO THE REPLY IN
SUPPORT OF DEFENDANT GOVERNOR MICHELLE LUJAN GRISHAM’S
MOTION FOR PROTECTIVE ORDER**

COMES NOW the Plaintiff, by and through his counsel, Merit Bennett of The Bennett Law Group, LLC, and hereby moves for leave to file a Surreply to the Reply in Support of Defendant Governor Michelle Lujan Grisham’s Motion for Protective Order [ECF 87], as follows:

Defendant Governor Michelle Lujan Grisham’s Motion for Protective Order [Doc. 76] was filed on February 14, 2025. Plaintiff’s Response in Opposition to Defendant Governor Michelle Lujan Grisham’s Motion for Protective Order [Doc. 83] was filed on February 26, 2025. The Reply in Support of Defendant Michelle Lujan Grisham’s Motion for Protective Order [Doc. 87] was filed on March 12, 2025. Pursuant to the Court’s Order Setting Hearing on Discovery Motions [ECF 85] all parties shall appear on Wednesday, April 2, 2025, at 2:00 p.m., for a hearing regarding the same.

The Governor is required by law to submit to a deposition in this case, and her Reply raises new and unsubstantiated defenses, which requires rebuttal via the filing of a Surreply.

Defendant asserts in her Reply in Support of Defendant Governor Michelle Lujan Grisham’s Motion for Protective Order that “Plaintiff [has] faile[d] to provide any authority or factual basis” to require the Governor to submit to deposition, *i.e.*, Plaintiff has not met “The Extraordinary

Circumstances Test,” cited by the Governor in: *In re: Office of the Utah Attorney General; Sean Meyers, Petitioners*, 56 F.4th 1254 (10th Cir. 2022):

Defendants now attempt to confuse the distinction.


Accordingly, Plaintiff hereby seeks leave to file a Surreply to Defendants’ Reply in order to make this distinction crystal clear to the Defendants and to the Court, in order to expose the baselessness of Defendants’ frivolous motion.

Defendants object to this filing.

WHEREFORE, Plaintiff hereby seeks leave to file a Surreply to Defendants’ Reply in Support of Defendant Governor Michelle Lujan Grisham’s Motion for Protective Order, in such form as is attached hereto as **Exhibit A**, in order to make it clear that Plaintiff has a right to bring claims against Defendant Governor Michelle Lujan Grisham and to hold her accountable for her individual violation of Plaintiff’s federal and state civil rights while acting under color of New Mexico state law.

Respectfully submitted,

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Attorney for Plaintiff Dr. Eric Blinman

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of March, 2025, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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